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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/032,104 | 12/31/2001 | Bertus Karel Edens | 029150-116 | 6139 |
| 7590 | 11/26/2003 | | EXAMINER | |
| Ronald L. Grudziecki, Esquire BURNS, DOANE, SWECKER & MATHIS, L.L.P. P.O Box 1404 Alexandria, VA 22313-1404 | | | SHAPIRO, JEFFERY A | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3653 | |

DATE MAILED: 11/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/032,104 | EDENS, BERTUS KAREL | |
| | Examiner | Art Unit | |
| | Jeffrey A. Shapiro | 3653 | |

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 31 December 2001.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-18 is/are pending in the application.
 4a) Of the above claim(s) 1-8 is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 9-18 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1.) Certified copies of the priority documents have been received.
 2.) Certified copies of the priority documents have been received in Application No. _____.
 3.) Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 a) The translation of the foreign language provisional application has been received.
 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

| | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4 . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Group II, directed towards Claims 9-18 in Paper No. 7 is acknowledged. The traversal is on the ground(s) that both groups of claims are easily searchable together. This is not found persuasive because the Group I claims are directed to a method of sorting. The Group II claims are directed towards a *computer program* for mail sorting as well as a *control system* for a mail sorter which *manipulates data*. The claimed subject matter of Group I is properly classified in Class 209, in which is found sorting apparatus and methods. The claimed subject matter of Group II is properly classified in Class 700, subclasses 213-244. These subclasses of class 700 concern computer software and data manipulation regarding control of article handling devices. These two groups of claims require two divergent searches, therefore creating a burden on the Examiner.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claim 16 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. It is unclear what is meant by the terms "in addition to the or each type" in line 3 of Claim 16.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 9-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson, Jr. et al (US 6,119,051). Anderson discloses Applicant's claimed computer program and apparatus as follows.

As described in Claims 9 and 11;

- a. at least one finishing assembly (60) for producing mail pieces;
- b. a sensor for registering a current physical property of a current condition of said at least one finishing assembly; (See col. 11, table 5, lines 45-65, which indicate that, for example, weight of the mailpiece is sensed. Note that a sensor, such as a scale, would be obvious to use, otherwise, the system would not work to detect weight data, for example. Note also that the system of Anderson detects whether or not a particular mailpiece is a duplicate or not. This again, implies the use of sensors, such as imaging devices, to compare with prior recorded mailpieces.)
- c. representation means (note that the computerized system of Anderson provides a computer with data in the form of a report, such as Table 5, found on col. 11);

- d. a control structure (see figure 1) communicatively linked with said finishing assembly, said sensor and said representation means, said control structure being provided with code for:
 - da. determining data regarding a required operating condition applying to the production of at least one mail piece (see col. 7, lines 5-22);
 - db. determining at least one physical property to be realized manually of said required operating condition (see col. 9, lines 30-67 and col. 10, lines 1-29, noting that the material is physically loaded on the processing machine);
 - dc. registering at least one current physical property of a current condition of said mail production apparatus (see table 4, noting that the current location (tray id) and the target destination is recorded/registered in the computer) ;
 - dd. determining a difference between said at least one current physical property and said at least one property to be realized manually of said required operating condition (note again, the weight recorded in table 5 as well as whether or not the mailpiece is a duplicate or not—see col. 6, lines 1-19);
 - de. causing an indication associated with said difference to be represented in humanly perceptible form (again, note that all of the

tables and data appear to be presented in report form, readable by humans);

df. causing said at least one mail piece to be composed by said finishing assembly in said operating condition (see again, col. 9, lines 60-67 and col. 10, lines 1-29);

As described in Claim 10;

e. an information carrier provided with machine-readable data constituting a computer program (note that it would be obvious to provide the computer program on a number of obvious formats, such as a hard drive, compact disc, or floppy disc);

As described in Claim 12;

f. a memory structure communicatively linked with said control structure for storing data which represents a directly preceding operating condition (note col. 3, lines 64 and 65, which state that the computer is an intel Pentium class computer, which is understood to have a memory, other wise, the record id, for example, as mentioned in col. 4, lines 54-56, would not able to be stored—see also col. 4, liens 1-6);

g. wherein said control structure is further arranged for determining at least one property of said current condition by determining at least one property of said directly preceding operating condition (again, see tables 4 and 5);

As described in Claim 13;

h. said control structure is further arranged for determining operations to be performed manually for bringing said finishing assembly from said current condition into said required operating condition and representing said operations to be performed with said representation means in humanly perceptible form (see col. 4, lines 6-30);

As described in Claim 14;

i. said control structure is further arranged for registering the current condition again after the performance of one of said operations to be performed and representing in humanly perceptible form at least one residual operation of said operations to be performed (see tables 4 and 5);

As described in Claim 15;

j. an item sensor communicatively linked with said control structure, for registering loaded physical postal items (note also the use of an imager in col. 9, lines 30-59);

k. wherein said control structure is further arranged for determining physical postal item types associated with said required operating condition, registering loaded physical postal items, determining at least one type of said loaded physical postal items, and representing at least one type of physical postal items to be loaded (see col. 7, lines 6-22);

As described in Claim 16;

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- I. representing with said representation means, in addition to the or each type of physical postal items to be loaded, a loading position for physical postal items of that type to be loaded (see tables 4 and 5);

As described in Claim 17;

- m. representing a property of physical postal items of said type to be loaded (again, note that "weight" is represented in tables 4 and 5);

As described in Claim 18;

- n. said item sensor is arranged for registering an item property of said loaded physical postal items (note that the imager registers the entire mailpiece, including length, width, and surface features);

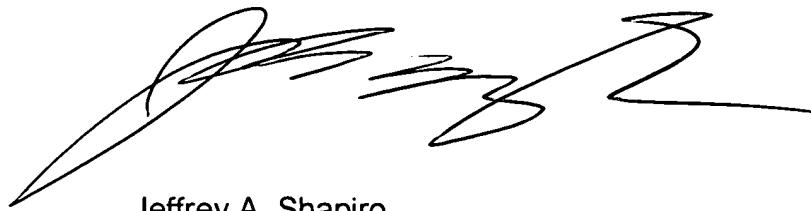
Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Scullion (US 4,734,865), Bodie (US 2003/0033053 A1), Lynch et al, Pigos, Jr. et al, Daniels, Jr. et al, O'Callaghan et al and Shea et al are all cited as examples of mailpiece finishing devices which sense physical properties of said mailpieces.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey A. Shapiro whose telephone number is (703)308-3423. The examiner can normally be reached on Monday-Friday, 9:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald P. Walsh can be reached on (703)306-4173. The fax phone number for the organization where this application or proceeding is assigned is (703)306-4195.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1113.



Jeffrey A. Shapiro
Examiner
Art Unit 3653

November 17, 2003

**KHOI H. TRAN
PRIMARY EXAMINER**